

Order

Michigan Supreme Court
Lansing, Michigan

April 17, 2020

Bridget M. McCormack,
Chief Justice

160355

David F. Viviano,
Chief Justice Pro Tem

JENNIFER BUHL,
Plaintiff-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 160355
COA: 340359
Oakland CC: 2017-157097-NI

CITY OF OAK PARK,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the August 29, 2019 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address: (1) whether the Court of Appeals erred in concluding that the January 2017 amendment to MCL 691.1402a(5), see 2016 PA 419, applies retroactively; (2) whether 2016 PA 419 “attaches a new disability with respect to transactions or considerations already past,” *In re Certified Questions from US Court of Appeals for the Sixth Circuit*, 416 Mich 558, 571 (1982); (3) whether the Court of Appeals erred in creating and applying a “*Brewer* restoration rule,” in determining that 2016 PA 419 applies retroactively, see *Brewer v A D Transp Express, Inc*, 486 Mich 50 (2010); and (4) whether it makes a difference that the amendment was enacted before plaintiff filed her complaint when the amended statute states, “In a civil action, a municipal corporation . . . may assert . . . a defense that the condition was open and obvious.” MCL 691.1402a(5). The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

CAVANAGH, J., did not participate because of her prior involvement as counsel for a party.



s0414

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 17, 2020

Clerk